

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

STAN OHM,

Plaintiff,

v.

RANDY H. DUPREE, *et al.*,

Defendants.

Case No. 2:24-cv-1954

Judge Edmund A. Sargus, Jr.

Magistrate Judge Kimberly A. Jolson

ORDER

This matter is before the Court on the Order and Report and Recommendation issued by the Magistrate Judge on July 24, 2024. (Order and R&R, ECF No. 4.) In that Order and R&R, the Magistrate Judge granted Plaintiff's request to proceed *in forma pauperis* but after conducting an initial review, recommended that Plaintiff's claims be dismissed except for Plaintiff's malicious prosecution, abuse of process, and negligence claims against Defendant McRoberts. (*Id.* PageID 27, 31.) The Magistrate Judge also denied without prejudice Plaintiff's Motion to Appoint Counsel. (*Id.* PageID 34–35.)

Once a magistrate judge issues a report and recommendation, the relevant statute provides:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C). The failure to file written objections to a magistrate judge's report and recommendation waives a *de novo* determination by the district court of any issues addressed in the report and recommendation. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

Plaintiff was advised of his right to object to the Order and R&R and of the consequences of failing to do so (ECF No. 4, PageID 36), but did not file a timely objection. Accordingly, Plaintiff waived a *de novo* review of the Order and R&R.

The Court has reviewed the Order and R&R, agrees with the recommendations stated therein, and **ADOPTS** and **AFFIRMS** the Order and R&R. (ECF No. 4.) Plaintiff's claims, except for Plaintiff's malicious prosecution, abuse of process, and negligence claims against Defendant Brett McRoberts, are **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B).

This case remains open.

IT IS SO ORDERED.

9/10/2024
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE